

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 27 July 2016**  
**6.30pm to 8.50pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Bhutia, Bowler, Carr, Mrs Diane Chambers (Chairman), Etheridge, Gilry, Griffiths, Hicks (Vice-Chairman), McDonald, Royle, Tejan, Tranter and Wicks

**In Attendance:** Doug Coleman, Senior Planner  
Michael Edwards, Principal Transport Planner  
Dave Harris, Head of Planning  
Councillor Clive Johnson  
Vicky Nutley, Planning and Licensing Lawyer  
Carly Stoddart, Planning Manager East  
Ellen Wright, Democratic Services Officer

**176 Apologies for absence**

Apologies for absence were received from Councillors Pendergast and Potter.

**177 Record of meeting**

The record of the meeting held on 29 June 2016 was agreed and signed by the Chairman as correct.

**178 Urgent matters by reason of special circumstances**

There were none.

**179 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

Other interests

Councillor Hicks referred to planning application – MC/16/1624 – The Countryman 134 Saunders Street, Gillingham ME7 1HP and advised the Committee that whilst he had contacted the agent for information about the property he had taken no further action and therefore he did not consider that he had an interest to declare on this planning application.

**180 Planning application - MC/16/0712 - 177 Berengrave Lane, Rainham, Gillingham ME8 7UJ**

**Discussion:**

The Senior Planner outlined the planning application and advised the Committee that this application had been considered by the Committee at its meeting on 29 June 2016 following which consideration had been deferred for clarity over highways land and ownership issues.

He referred to the additional information included on the supplementary agenda advice sheet which set out the outcome of investigations regarding the highway land. In addition, he drew attention to a map circulated at the meeting.

The Planning and Licensing Lawyer advised the Committee that the circulated plan showed the original highway. She confirmed that the erection of fence panels on this section of land did not affect the ownership of the land and the top surface was therefore available for highway.

The Senior Planner also drew attention to a further representation received which had been appended to the supplementary agenda advice sheet.

The Committee discussed the application in detail noting the clarification outlined in the supplementary agenda advice sheet as to the land ownership in Berengrave Lane.

Arising from discussions, it was suggested that if the Committee was minded to approve the application, a raised table be placed at the entrance/exit to the site so as to slow traffic.

Reference was also made to the proposed Section 106 contributions and in particular the proposed contribution to improvements at Beechings Way Playing Field. Whilst it was considered that this particular playing field was in close proximity to the application site, it was considered appropriate that the proposed contribution of £36,262.59 should be split 50/50 between Beechings Way Playing Field and another recreational site in Rainham e.g. Rainham Recreation Ground, in consultation with Ward Councillors.

In response to another Member's question, the Principal Transport Planner confirmed that the plan displayed at the meeting showing the swept path analysis for entry into and exit from the application site did not encroach onto anyone's land. He also confirmed that all sight lines from the junction were on highway land.

In response to a Member's question, the Planning and Licensing Lawyer advised the Committee that the Council had responded to a letter from the

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Solicitor acting on behalf of adjoining land owners and she would ensure that a copy was supplied to Members of the Committee.

The Head of Planning advised the Committee that should it be minded to approve the application, it was possible for the Committee to include a condition requiring traffic calming measures to be put in place at the entrance to the site and for the proposed Section 106 contribution for playing field improvements to be split 50/50 on two different sites as discussed.

### **Decision:**

Approved subject to:

A) The applicant entering an agreement under Section 106 of the Town and Country Planning Act to secure:

- 1) A contribution of £10,982.40 towards nursery school provision in the locality.
- 2) A contribution of £26,956.80 towards primary school facilities in the locality.
- 3) A contribution of £34,444.80 towards secondary school facilities in the locality.
- 4) A contribution of £36,262.59 to be split 50/50 towards improvements at Beechings Way playing field and a playing field or recreation ground in Rainham, with the exact location being agreed by the Head of Planning in consultation with Ward Councillors.
- 5) A contribution of £3,185 towards public realm improvements in Rainham Town Centre.
- 6) A contribution of £1,624.35 towards repair of light fittings at Royal Naval War Memorial, Great Lines Heritage Park.
- 7) A contribution of £2,906.54 towards bird mitigation measures

B) Conditions 1 - 22 as set out in the report for the reasons stated in the report and an additional condition 23 as set out below:

- 23 Prior to first occupation of the development, a speed restraint measure at the entrance to the site, in the approximate position of that indicated on drawing number 1100 P03, shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with Policy T2 of the Medway Local Plan 2003.

**181 Planning application - MC/16/1562 - Land between Chestnuts and Duddingstone Farm (known as Scarlett Meadow) Matts Hill Road, Hartlip ME9 7XA**

**Discussion:**

The Head of Planning outlined the application in detail and explained the background relating to this application. He advised that the applicant was already an established Medway resident and had been forced to relocate due to family circumstances. The planning permission, if approved would be for a temporary period up to 30 June 2019 and would be a personal planning permission granted to the family named in proposed condition 3.

The Committee discussed the application, noting the outcome of similar applications in the locality of the application site.

**Decision:**

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

**182 Planning application - MC/16/2045 - Aquarius, 8 Watson Avenue, Horsted, Chatham ME5 9SH**

**Discussion:**

The Senior Planner outlined the planning application in detail.

The Committee discussed the application and expressed concern as to the proposed scale and massing of the development, the overdevelopment of the site, the lack of amenities for existing and prospective new residents of the care home and the impact that the development would have upon on street parking in the vicinity of the care home with a potential increase in visitor numbers.

**Decision:**

Refused on the following grounds:

1. The proposal, due to its scale, and mass and prominent location would represent a dominant form of development and an overdevelopment of the site contrary to Policy BNE1 of the Medway Local Plan 2003 and Paragraphs 58 and 64 of the NPPF.
2. The proposal fails to provide adequate amenity space for the occupiers of the proposed development and as such would be contrary to Policy BNE2 of the Medway Local Plan 2003.
3. The proposed extension is likely to result in an increase in parking pressure and potentially indiscriminate parking on the surrounding

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residential roads contrary to Policy BNE2 of the Medway Local Plan 2003.

### **183 Planning application - MC/16/0540 - 538 Bloors Farm, 538 - 540 Lower Rainham Road, Rainham, Gillingham ME8 7TW**

#### **Discussion:**

The Senior Planner outlined the planning application and advised the Committee that consideration of this application had been deferred on 1 June 2016 pending further information as to the use of the building in conjunction with the Kent Wildlife Trust.

He drew attention to a section of the report setting out a response from the Kent Wildlife Trust.

In the light of the information from the Trust, he suggested that if the Committee was minded to approve the application, proposed condition 3 be amended as set out on the supplementary agenda advice sheet.

#### **Decision:**

Approved with conditions 1- 2 and 4 - 5 as set out in the report for the reasons stated in the report and condition 3 amended as follows:

3. The storage use of the building herein approved shall only be for the storage of farm machinery and produce by Rainham Community Orchard Volunteers or such other community group to be approved in writing by the Local Planning Authority; the community and educational use shall only operate ancillary to the agricultural use of the farm by Rainham Community Orchard Volunteers and shall not be used for any other purposes.

Reason: In the interests of amenity and the integrity of the countryside and areas of local landscape importance in accordance with Policy BNE25 and BNE34 of the Medway Local Plan 2003.

### **184 Planning application - MC/16/1697 - 52, 54 and 54a Green Street, Gillingham ME7 1XA**

#### **Discussion:**

The Planning Manager East outlined the planning application in detail and reminded the Committee that this planning application had been the subject of a site visit on 25 July 2016 at which the Senior Planner had explained the application, summarised the main points of the representations received and set out the planning issues for Members to consider relating to the principle, design, residential amenity and parking.

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She advised that although no residents had been in attendance at the meeting, the Manager of the existing gym had been in attendance along with the local Ward Councillor. A summary of the points raised at the site visit were set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Johnson spoke on this application as Ward Councillor and outlined the concerns of the residents as they related to the increase in height of the building by the addition of another floor, the lack of parking provision to be provided as part of the development and how the building work could be achieved owing to the lack of parking provision and the restricted area for large vehicular movements in the vicinity of the application site.

The Committee discussed the application and noted that the proposed development would increase the height of the building by approximately 2.5m. It was also noted that the application was located within the town centre and was therefore close to public transport links.

### **Decision:**

Approved subject to:

- A) The applicants entering into an agreement under Section 106 of the Town and Country Planning Act to secure a sum of £670.72 towards Designated Habitats Mitigation; and
- B) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

### **185 Planning application - MC/16/1845 - Land to the West of The Hundred of Hoo Academy, Main Road, Hoo St Werburgh, Rochester ME3 9HH**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and drew attention the additional information set out on the supplementary agenda advice sheet from the Health and Safety Executive (HSE). He advised the Committee that to address the concerns of the HSE, two further conditions numbered 25 and 26 were set out the supplementary agenda advice sheet for consideration.

The Committee considered the report and had regard to the requirement for additional school places to be provided in this part of Medway.

A Member sought clarification as to the whether the applicant should be listed as Medway Council when the applicant was a school which was an Academy. The Head of Planning confirmed that he would investigate this and respond to the Councillor direct.

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### Decision:

Approved subject to:

- A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure land appropriate for use as playing fields for use by both Hoo Academy and Hoo Primary School;
- B) Conditions 1 – 24 as set out in the report for the reasons stated in the report and new conditions 25 and 26 as set out below:

- 25. Notwithstanding the submitted drawings, no works shall take place below the sub soil of the existing site until full details of the depth and route of the existing High Pressure Gas Pipelines have been submitted to and approved in writing by the Local Planning Authority within an identified safety zone to be agreed beforehand by the applicants with the Health and Safety Executive (HSE).  
The submitted details shall demonstrate that the existing mains are no less than 1.5m from the existing ground level of the site at any point along the identified safety zone route of the mains (identified as Southern Gas network references GM05 and GM20). The development shall be implemented in accordance with the approved details prior to the first occupation of the school building and shall thereafter be maintained.

Reason: Required prior to commencement due to the potential danger to human health in the interests of public safety and amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26. If, during the investigation undertaken pursuant to condition 25, any mains are found to be situated less than 1.5 metres below ground level, no development shall take place until a detailed scheme including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development herein approved would not impact the pipeline(s). The development shall be implemented in accordance with the approved details including any mitigation measures prior to the first occupation of the school building and shall thereafter be maintained.

Reason: Required prior to commencement due to the potential danger to human health in the interests of public safety and amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

**186 Planning application - MC/16/1624 - The Countryman, 134 Saunders Street, Gillingham ME7 1HP**

**Discussion:**

The Planning Manager East outlined the application and drew attention to the additional information set out on the supplementary agenda advice sheet from Enterprise Inns who were the previous owners of the property when it was in use as a public house. The information set out the barrellage figures in the last two years of trade.

The Committee discussed the application.

**Decision:**

Approved subject to:

- A) The completion of a Section 106 Agreement securing £1341.48 towards Designated Habitats Mitigations.
- B) Conditions 1 – 6 as set out in the report for the reasons stated in the report.

**187 Planning application - MC/16/0713 - Asda, 387 Maidstone Road, Chatham ME5 9SE**

**Discussion:**

The Planning Manager East outlined the planning application in detail.

She suggested that if the Committee was minded to approve the application, proposed conditions 3 and 5 be amended, details of which were set out on the supplementary agenda advice sheet.

In addition, she asked that the Committee grant delegated authority to the Head of Planning to add an additional condition requiring that the specification be adhered to in respect of the construction of the petrol filling station.

The Committee discussed the planning application and it was suggested that if approved proposed condition 11 be tightened to ensure that any contamination from spills be removed.

**Decision:**

- A) Approved with conditions 1 – 2, 4 and 6 – 10 as set out in the report for the reasons stated in the report, conditions 3, 5 and 11 amended as set out below:
  - 3. The use of the petrol filling station shall not commence until a scheme of landscaping (hard and soft) has been submitted to and approved by the Local Planning Authority. All hard landscaping



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shall be implemented in accordance with the approved details prior to the opening of the Petrol Filling Station to the public and retained thereafter. All planting, seeding and turfing shall be implemented in accordance with the approved details during the first planting season following opening of the Petrol Filling Station to the public. Any trees or plants which, within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

5. The use of the petrol filling station shall not commence until measures to maintain the flow of traffic onto and off of the site have been submitted to and approved in writing by the Local Planning Authority. The site layout and access shall be completed in accordance with the approved measures prior to first use of the Petrol Filling Station and shall be retained thereafter. The details shall include the provision of "Keep Clear" markings in front of the access to the Petrol Filling Station forecourt on the northbound side of the internal access road (or alternative means, demonstrated as part of the submitted details), to ensure that vehicles queuing at the signalised junction do not block access to and from the Petrol Filling Station.

Reason: To ensure the free flow of traffic and highway safety and in accordance with Policy T1 of the Medway Local Plan 2003.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified and/or if contamination is found during/and following any subsequent removal of the fuel storage tanks within the site, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme, a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be

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prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- B) The Head of Planning be granted delegated authority to add a further condition 12 requiring that the specification be adhered to in respect of the construction of the petrol filling station.

### **188 Planning application - MC/16/1903 - Land rear of 23 Chapel Road, Isle of Grain, Rochester ME3 0BQ**

#### **Discussion:**

The Head of Planning outlined the planning application in detail.

The Committee discussed the report and expressed concern that the proposed development was an overdevelopment of the site and would create a poor amenity for the prospective occupiers of the proposed four dwellings.

Members also expressed concern as to the proposed tandem parking, which if not successful would result in an increase in on street parking.

#### **Decision:**

Refused on the following ground:

The proposal represents an overdevelopment of the site that will be out of character with the area and result in a poor level of amenity for prospective occupiers, occupiers of the retained property and unacceptable loss of outlook and amenity for residents of the adjacent properties for the following reasons:

- The proposal provides an unacceptably poor level of external amenity to serve the proposed and retained properties which will also be out of character with the area.
- Due to the poor level of external amenity and limited depth, the proposal results in two storey development close to the boundary with the adjacent property which will have an unacceptable impact on the outlook for occupiers of that property when using their garden in particular.
- The proposal for tandem parking to serve each property will either result on increased on street parking to avoid cars being parked one behind each other, or increased manoeuvring on and off the site either of which will have an unacceptable impact on the amenities of residents living in Doggetts Row.

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The proposal is therefore contrary to the provisions of policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraph 53 and the principles of good design in the National Planning Policy Framework 2012.

### **189 Planning application - MC/16/2281 - Buttercrook Wharf (Saga Fashions), Vicarage Lane, Hoo St Werburgh, Rochester ME3 9LQ**

#### **Discussion:**

The Head of Planning outlined the planning application in detail.

#### **Decision:**

Approved with conditions 1 – 11 as set out in the report for the reasons stated in the report.

### **190 Performance Report - 1 April - 30 June 2016**

#### **Discussion:**

The Head of Planning drew attention to changes to the layout of the planning application reports in that such reports now included information as to the case officer and a contact telephone number. This change had been introduced in response to feedback from Members.

He drew attention to resourcing issues within his Section and advised the Committee that in addition to two existing vacancies, four Officers had recently been recruited to posts outside of Medway which would leave a gap in the availability of resources until these posts could be filled.

With regard to enforcement issues, the Head of Planning outlined the results of a number of successful prosecutions through the courts. In noting that a number of prosecutions related to the erection of unauthorised notices/signage, a Member sought clarification as to the status of the Council's notices and banners erected on railings throughout Medway. The Head of Planning agreed to investigate this and advise the Member direct of the outcome.

Members expressed their concern as to the loss of a number of staff within the Planning Section and the Head of Planning provided reassurance that this would not affect the timetable for the delivery of the Local Plan.

Members thanked the Head of Planning for the work undertaken by staff in the Planning Section and requested that he convey to all members of staff the high regard in which both they and, the work that they undertake, are held by the Committee.

#### **Decision:**

- a) The Committee noted the report and the current situation regarding staff resources within the Planning Section.

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- b) The Head of Planning circulate to all Members of the Committee a list of current planning officers and their contact telephone numbers with such list being updated and recirculated at such time that the vacant posts have been filled.

### **191 Report on Section 106 Agreements for April - June 2016**

#### **Discussion:**

The Committee received a report setting out the amount of Section 106 funding received between April – June 2016 and setting out what the contributions must be spent on.

#### **Decision:**

The Committee noted the report.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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